REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, October 20, 2009, 9:30 A.M.

BOARD HEARING ROOM, FIRST FLOOR
333 W. Santa Ana Blvd., 10 Civic Center Plaza
Santa Ana, California

PATRICIA BATES
CHAIR
Fifth District

JANET NGUYEN
VICE CHAIR
First District

JOHN M. W. MOORLACH
SUPERVISOR
Second District

BILL CAMPBELL
SUPERVISOR
Third District

CHRIS NORBY
SUPERVISOR
Fourth District

ATTENDANCE: All Present

EXCUSED: None

PRESENT:	COUNTY EXECUTIVE OFFICER	Thomas G. Mauk
	COUNTY COUNSEL	Nicholas S. Chrisos
	CLERK OF THE BOARD	Darlene J. Bloom

INVOCATION: Supervisor Moorlach, Second District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Campbell, Third District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Supervisor Campbell - Oral presentation on Orange County Digital Stories by OC Library

Chair Bates recognized Sheriff Lt. Mike Mullen for graduating from Law Enforcement Command College

Empty

II. CONSENT CALENDAR (Items 1-29)

31245 **APPROVED AS RECOMMENDED WITH EXCEPTION OF ITEM 23 WHICH WAS DELETED; ITEM 24 WHICH WAS CONTINUED TO 10/27/09, 9:30 A.M.; AND ITEMS 3, 13, 14, 16, 17, 28 & 29 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Bates -** Assessment Appeals Board No. 5 - Appoint Gary Kreitz, Rancho Santa Margarita, to complete term ending 9/2/12

ELECTED DEPARTMENT HEADS

District Attorney:

2. Approve amendment 2 to lease agreement #DA-06-013 with American Pacific Secured File Storage, Inc. for storage space, extending term to 11/30/11($10,262 per month); and make California Environmental Quality Act findings - District 1

3. Approve agreement with and accept funds from Office of Justice Programs (OJP) of the U.S. Department of Justice for DNA Expansion project, 10/1/09 - 9/30/10 ($500,000); approve solicitation and purchase of Mobile DNA Sample Collection and Emergency Response Command Center Vehicle; and authorize District Attorney or designee to execute agreement and extensions under certain conditions - All Districts

32145 **APPROVED AS RECOMMENDED**

Sheriff-Coroner:

4. Ratify purchase order PO-060-10010994 with Joseph I. Cohen M.D. for arbitration-related expenses ($2,100) - All Districts

5. Approve purchase order PO-060-10011206 with Harris Stratex Networks for microwave path equipment and installation ($189,271) - All Districts

6. Ratify price agreement MA-060-10010053 with Pacific Bell Telephone Company, dba AT&T Datacomm for equipment maintenance, 7/1/09 - 6/30/10 ($150,266) - All Districts

Treasurer-Tax Collector:

7. Approve proposed change to the Investment Policy Statement to include a section limiting the Extended Fund B to Whistlejacket / Serpentine Funding holding and exempting them from compliance computations - All Districts (Continued from 8/25/09, Item 23; 9/15/09, Item 9; 9/29/09, Item 7)

8. Approve amendment 6 to price agreement MA-074-10010057 with SunGard for sales tax not calculated in costs previously approved by the Board on 6/16/09 ($3,282; new total $40,782) - All Districts

HEALTH CARE AGENCY

9. Approve amendment to master agreement MA-042-CVPAN1000010625 with Medex Courier System, Inc. for medical courier services for HCA Public Health Laboratory, extending term to 12/31/09 ($50,000; new total $130,000); renewable for one additional year, 1/1/10 - 12/31/10 - All Districts

OC COMMUNITY RESOURCES

10. Approve price agreement MA 012-10010085 with HLP, Inc. for chameleon and chamcam maintenance and support, 12/12/09 - 12/11/11 ($59,736) - All Districts

11. Approve amendment 1 to communications site license with Los Angeles SMSA Limited Partnership dba Verizon Wireless for wireless communications facility, Craig Regional Park ($15,000) - Districts 3 & 4

12. Approve master agreement MA-10010520 with Landscape Inter-Cal Construction Corporation for landscape maintenance service, Irvine Regional Park, 11/1/09 - 10/31/10 ($129,866); renewable for two additional years; and make California Environmental Quality Act findings - District 3

13. Accept donation from Friends of the Library to offset cost of Laguna Beach Library Refurbishment Project ($75,000) - District 5
52134 **APPROVED AS RECOMMENDED**

14. Accept donation of new children's books from Friends of the Library for Heritage Park Library ($18,270) - District 3
52134 **APPROVED AS RECOMMENDED**

15. Approve agreement OCP 09-018 with Project Dimensions, Inc. for on-call project management and contract administration services for OC Parks, three-year term ($400,000); and make California Environmental Quality Act findings - All Districts

16. Accept cash donation from MiOcean for projects at Strand Beach to increase public access and improve water quality ($15,000) - District 5
52134 **APPROVED AS RECOMMENDED**

17. Accept donation from Friends of the Library for Laguna Niguel Library to purchase books ($10,000) - District 5
52134 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

18. Approve agreements with RBF Consulting, Norris-Repke, Inc. and Hunsaker & Associates Irvine, Inc., for plan check on-call support services, 11/1/09 - 10/31/10 ($450,000); renewable for two additional one year periods - All Districts

19. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve agreement D09-090 with UltraSystems for on-call environmental documentation preparation and regulatory permitting services, three-year term ($400,000); and make California Environmental Quality Act findings - All Districts

OC WASTE & RECYCLING

20. Approve easement deed and agreement with San Clemente for public multi-use trail, Prima Deshecha Landfill; and make California Environmental Quality Act finding - District 5

SOCIAL SERVICES AGENCY

21. Approve master Memorandum of Understanding CMJ4309 with qualified Community-Based Organizations to become members of a multi-disciplinary team for differential response-path one services, 11/2/09 - 6/30/12; and authorize Director or designee to execute MOU - All Districts

22. Approve Memorandum of Understanding CCI4609 with Housing Authority of the City of Santa Ana for Family Unification Program, 11/1/09 - 10/31/14; and authorize Director or designee to execute MOU - All Districts

GENERAL ADMINISTRATION

Clerk of the Board:

23. Approve proposed amendments to the County's Conflict of Interest Code Designated Filers Exhibits for the Public Administrator/Public Guardian - All Districts
31245 **DELETED**

24. Approve 2010 Board of Supervisors Meeting Schedule - All Districts
31245 **CONTINUED TO 10/27/09, 9:30 A.M.**

25. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for the South Coast Water District - All Districts

County Executive Office:

26. Approve amendment 1 to agreement for Tri-City Park Project, extending term 5/31/10 - Districts 3 & 4

27. Adopt resolution approving property tax exchange agreement with Fountain Valley for annexation of 10.45 acres of unincorporated territory - District 2
RESO: 09-165

28. **Human Resources Department -** Approve amended Memorandum of Understanding with Orange County Managers Association (OCMA) to extend term to 1/3/11 - All Districts
23145 **APPROVED AS RECOMMENDED**

29. **Supervisor Nguyen -** Receive and file 15th Annual Report on Conditions of Children in Orange County
13245 **RECEIVED & FILED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 30-S41A)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

30. Response to Board Directive (11/25/08) - Oral Report on state of the jails and update on budget reductions - All Districts (Continued from 9/22/09, Item 27)
15234 **PRESENTED**
X

31. Approve amendment 1 to price agreement N1000010365 for renewal of agreement with Computer Deductions, Inc. for professional services to manage, supervise and operate Unisys mainframe computer and all Sheriff's Data Center operations, MA-060-100100773, 11/01/09 - 10/31/10 ($650,000) - All Districts
21345 **APPROVED AS RECOMMENDED**
X

32. Ratify amendment 3 to price agreement N3000008350 with Computer Deductions, Inc. for software development, maintenance and support, term ending 11/30/09 ($216,667 reduction; new total $2,642,274); and decrease renewal years by $650,000 ($2,208,941 per year) - All Districts
13245 **APPROVED AS RECOMMENDED**
X

JOHN WAYNE AIRPORT

33. Approve option to extend advertising concession lease with JCDecaux Airport, Inc., extending term to 12/31/11; and make California Environmental Quality Act findings - District 2 (4/5 vote)
23145 **APPROVED AS RECOMMENDED**
X

34. Approve amendment 1 to agreement with John Bean Technologies Corporation for changes to Passenger Boarding Bridges construction to install twenty US Applied Mechanical Lifts (Nova Baggage Lift) for Terminals A, B, and C ($523,536; new total $9,124,150); and find Final EIR 582 and addendum 582-1, as revised by Final Supplemental EIR 582, are adequate to satisfy requirements of California Environmental Quality Act - District 2
23145 **APPROVED AS RECOMMENDED**
X

OC PUBLIC WORKS

35. **Acting as the Board of Supervisors and Orange County Flood Control District** - Approve amendment 2 to agreement D03-024 with AKM Consulting Engineers for design modification of the Haster Pump Station and Retarding Basin for flood protection, extending term to 11/4/13 ($800,000; new total $1,727,000); approve Haster Recreational Fields Concept Plan; and authorize use of Flood Control District funds to fill a portion of Haster Basin for recreational use in exchange for District use of OC Parks property for environmental mitigation - District 1

12345 **APPROVED AS RECOMMENDED**
X

OC WASTE & RECYCLING

36. Approve agreement MA-299-10010995 with Bryan A. Stirrat & Associates for landfill gas services for South Region Landfills, 12/1/09 - 11/30/12 ($4,100,000) - District 5
51234 **APPROVED AS RECOMMENDED**
N X

SOCIAL SERVICES AGENCY

37. Approve subordinate agreement DO-063-10012134 with State Department of Justice for fingerprint record check services, 11/1/09 - 10/31/14 ($800,000) - All Districts
23145 **APPROVED AS RECOMMENDED**
X

GENERAL ADMINISTRATION

County Executive Office:

38. Approve transfer agreement and Assignment, Assumption, and Amendment Lease with Judicial Council of California, Administrative Office of the Courts for Transfer of Responsibility and Leasehold Interest for court storage facility leased from CNH, LLC, Irvine; and instruct Auditor-Controller to make quarterly installment payments; authorize Chair and/or CEO or designee to execute any other documents necessary to complete transfer; and make California Environmental Quality Act findings - District 3
32145 **APPROVED AS RECOMMENDED**
X

39. Approve transfer and joint occupancy agreements with Judicial Council of California, Administrative Office of the Courts for Transfer of Responsibility and Leasehold interest for Harbor Justice Center, Laguna Hills Facility; and approve Assignment, Assumption, and Amendment of Lease for storage facility with XCTF5-Lake Hills, LLC; and instruct Auditor-Controller to make quarterly installment payments; authorize Chair and/or CEO and/or designee to assign any leases for third party tenants and execute Estoppel Certificate and any other documents necessary to complete transfer; and make California Environmental Quality Act findings - District 5
21345 **APPROVED AS RECOMMENDED**
X

40. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
23145 **RECEIVED & FILED**
XX

41. Report on County financial and budget status - All Districts
PRESENTED

S41A. Adopt resolution proclaiming October 2009 as " Cyber Security Awareness Month"

51234 **APPROVED AS RECOMMENDED**
X

RESO: 09-166

IV. PUBLIC HEARINGS (Item 42)

ELECTED DEPARTMENT HEADS

42. **Sheriff-Coroner -** Public Hearing to consider adopting resolution approving fee for notarized copy of clearance letter or local arrest record ($10); and make California Environmental Quality Act findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

2 **MOTION TO APPROVE STAFF RECOMMENDATIONS DIED FOR LACK OF SECOND NO ACTION TAKEN**

V. CLOSED SESSION (None)

VI. PUBLIC, CEO, BOARD & EMAIL COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:
Karen Finn, Gary Boatwright - Oral Re: Sheriff appointment & budget issues

Darrell Nolta - Oral Re: (1) OCFA Helicopter evening service issues; (2) Planning Development Permit Fee process timeline; (3) dual incomes of OC Executives

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Moorlach and Chair Bates - Oral Re: "Double Dipping" Issues: Directed staff to look at possible legislation that would create some type of reciprocity between "different" governmental retirement systems, e.g. OCERS/CALPERS that would eliminate double dipping for those that retire from one system and go to work full time for another governmental agency in a different retirement system. Further directed staff to factor into the legislation examination of the possibility that the hiring of extra help & retirees from another retirement system of receiving 401A funds in lieu of the County's pension; this option is currently available for elected officials.

Chair Bates - Oral Re: Announced the success of District 5's recent 2nd Annual Disaster Preparedness Expo and thanked all who participated in the Expo.

ADJOURNED: 1:11 P.M.

35124 **Adjourned in memory of Luis Villalobos**
X X

52134 **Adjourned in memory of Walter Lee Huber Sr.**
X X

*** KEY ***

Left Margin Notes

1. = Supervisor Nguyen
2. = Supervisor Moorlach
3. = Supervisor Campbell
4. = Supervisor Norby
5. = Supervisor Bates

A. = Abstained
X. = Excused
N. = No
BO = Board Order

ORD. = Ordinance
RESO. = Resolution

Above numbers refer to Supervisorial Districts (1st number = Moved by; 2nd number = Seconded by)

Chair, Orange County Board of Supervisors

Orange County Clerk of the Board